

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**WESTERNGECO L.L.C.,**

**Plaintiff,**

**v.**

**ION GEOPHYSICAL CORPORATION,  
FUGRO-GEOTEAM, INC.,  
FUGRO-GEOTEAM AS,  
FUGRO NORWAY MARINE SERVICES  
AS, FUGRO, INC., FUGRO (USA), INC. and  
FUGRO GEOSERVICES, INC.,**

**Defendants.**

**CIVIL ACTION NO. 4:09-cv-01827**

**Judge Keith P. Ellison**

**Jury Trial Demanded**

**VERDICT**

**QUESTION 1 – DIRECT INFRINGEMENT – METHOD CLAIMS**

**Did WesternGeco prove by a preponderance of the evidence that Fugro-Geoteam sold or offered to sell in the United States a process that infringed any of the patent claims below under § 271(a)?**

Check “Yes” or “No” as to each claim.

**‘520 Patent:**

**Claim 1:** Yes    No   

**Claim 2:** Yes    No   

**Claim 6:** Yes    No   

**‘967 Patent:**

**Claim 1:** Yes    No   

**‘607 Patent:**

**Claim 1:** Yes    No

Answer Question 2 only for those claims for which you answered “Yes” in Question 1. If you did not answer “Yes” for a claim in Question 1, do not answer Question 2 as to that claim.

**QUESTION 2 – INDUCED INFRINGEMENT – METHOD CLAIMS**

**Did WesternGeco prove by a preponderance of the evidence that ION actively induced the direct infringement of the patent claim?**

Check “Yes” or “No” as to each claim.

**‘520 Patent:**

**Claim 1:** Yes  No

**Claim 2:** Yes  No

**Claim 6:** Yes  No

**‘967 Patent:**

**Claim 1:** Yes  No

**‘607 Patent:**

**Claim 1:** Yes  No

Answer Question 3 only for those claims for which you answered “Yes” in Question 1. If you did not answer “Yes” for a claim in Question 1, do not answer Question 3 as to that claim.

**QUESTION 3 – CONTRIBUTORY INFRINGEMENT – METHOD CLAIMS**

**Did WesternGeco prove by a preponderance of the evidence that ION contributed to the direct infringement of the patent claim?**

Check “Yes” or “No” as to each claim.

**‘520 Patent:**

**Claim 1:** Yes  No

**Claim 2:** Yes  No

**Claim 6:** Yes  No

**‘967 Patent:**

**Claim 1:** Yes  No

**‘607 Patent:**

**Claim 1:** Yes  No

**QUESTION 4 – INFRINGEMENT UNDER SECTION 271(f)(1) – SYSTEM/APPARATUS CLAIMS**

**Did WesternGeco prove by a preponderance of the evidence that either of the Defendants infringed a claim of any of the patents listed below under Section 271(f)(1)?**

Check “Yes” or “No” for each of the listed claims for each Defendant.

**ION:**

**Fugro-Geoteam:**

**‘520 Patent:**

**Claim 19:** Yes  No  Yes  No

**Claim 23:** Yes  No  Yes  No

**‘967 Patent:**

**Claim 15:** Yes  No  Yes  No

**‘607 Patent:**

**Claim 15:** Yes  No  Yes  No

**‘038 Patent:**

**Claim 14:** Yes  No  Yes  No

**QUESTION 5 – INFRINGEMENT UNDER SECTION 271(f)(2) – SYSTEM/APPARATUS CLAIMS**

**Did WesternGeco prove by a preponderance of the evidence that either of the Defendants infringed a claim of any of the patents listed below under Section 271(f)(2)?**

Check “Yes” or “No” for each of the listed claims for each Defendant.

**ION:**

**Fugro-Geoteam:**

**‘520 Patent:**

**Claim 18:** Yes  No  Yes  No

**Claim 19:** Yes  No  Yes  No

**Claim 23:** Yes  No  Yes  No

**‘967 Patent:**

**Claim 15:** Yes  No  Yes  No

**‘607 Patent:**

**Claim 15:** Yes  No  Yes  No

**‘038 Patent:**

**Claim 14:** Yes  No  Yes  No

## QUESTION 6 – INVALIDITY

**Do you find by clear and convincing evidence that the claims listed below are invalid for any of the reasons listed below?**

Check “Yes” or “No” for each theory of invalidity for each claim. Checking “Yes” means that the claim is invalid for that reason. Checking “No” means that the claim is not invalid for that reason.

**‘520 Patent:**

**Claim 1:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Claim 18:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Claim 2:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Claim 19:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Claim 6:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Claim 23:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

*(Invalidity Question Continued)***'967 Patent:****Claim 1:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Claim 15:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

**'607 Patent:****Claim 1:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Claim 15:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

**'038 Patent:****Claim 14:**

Anticipation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Obviousness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written Description	Yes <input type="checkbox"/> No <input type="checkbox"/>
Indefiniteness	Yes <input type="checkbox"/> No <input type="checkbox"/>
Best Mode	Yes <input type="checkbox"/> No <input type="checkbox"/>
Enablement	Yes <input type="checkbox"/> No <input type="checkbox"/>

Answer Question 7 as to ION if there are claims for which you answered “Yes” in response to Questions 2, 3, 4, or 5 for ION (or for which the court has previously found infringement), and for which you also answered “No” for each ground for invalidity as to that claim in response to Question 6. Otherwise, do not answer Question 7 as to ION.

Answer Question 7 as to Fugro-Geoteam if there are any claims for which you answered “Yes” in response to Questions 1, 4, or 5 for Fugro-Geoteam (or for which the court has previously found infringement), and for which you also answered “No” for each ground for invalidity as to that claim in response to Question 6. Otherwise, do not answer Question 7 as to Fugro-Geoteam.

### **QUESTION 7 – WILLFUL INFRINGEMENT**

**Did WesternGeco prove by clear and convincing evidence that either of the Defendants willfully infringed a valid and enforceable patent claim because the Defendant actually knew, or it was so obvious that it should have known, that its actions constituted infringement of a valid and enforceable patent claim?**

Check “Yes” or “No” for each Defendant.

**ION:** Yes    No   

**Fugro-Geoteam:** Yes    No

As to each Defendant, answer Question 8 if there are claims for which you answered “yes” in response to Question 1, 4, or 5 (or for which the court has previously found infringement) and for which you also answered “no” in response to Question 6. Otherwise, do not answer Question 8.

## **DAMAGES**

### **QUESTION 8 – LOST PROFITS**

**What lost profits, if any, did WesternGeco prove by a preponderance of the evidence that it suffered as a result of the direct infringement, if any, due to a sale by Fugro-Geoteam of a process that infringed a valid and enforceable method claim within the United States?**

Any amount found should be written in dollars and cents. Do not include in your answer any amount of lost profits that resulted from the infringement of a claim you found invalid in response to Question 6.

**Answer:** \_\_\_\_\_

**What lost profits, if any, did WesternGeco prove by a preponderance of the evidence that it suffered as a result of infringement, if any, under Section 271(f) of a valid and enforceable patent claim?**

Any amount found should be written in dollars and cents. Do not include in your answer any amount of lost profits that resulted from the infringement of a claim you found invalid in response to Question 6.

**ION:** \_\_\_\_\_

**Fugro-Geoteam:** \_\_\_\_\_

As to each Defendant, answer Question 9 only if there are claims for which you answered “yes” in response to Question 1, 4, or 5 (or for which the court has previously found infringement) and for which you also answered “no” in response to Question 6. Otherwise, do not answer Question 9.

### **QUESTION 9 – REASONABLE ROYALTY**

**For those acts of direct infringement under Section 271(a) for which WesternGeco has not proved its entitlement to lost profits, what has WesternGeco proved based on a preponderance of the evidence it is entitled to as a reasonable royalty, if any?**

Any amount found should be written in dollars and cents. Do not include in your answer any amount of reasonable royalty attributable to a claim you found invalid in response to Question 6.

**From Fugro-Geoteam:** \_\_\_\_\_

If an amount was found, what reasonable royalty rate did you apply? \_\_\_\_\_

**For those acts of infringement under Section 271(f) for which WesternGeco has not proved its entitlement to lost profits, what has WesternGeco proved based on a preponderance of the evidence it is entitled to as a reasonable royalty, if any?**

Any amount found should be written in dollars and cents. Do not include in your answer any amount of reasonable royalty attributable to a claim you found invalid in response to Question 6.

**From ION:** \_\_\_\_\_

If an amount was found, what reasonable royalty rate did you apply? \_\_\_\_\_

**From Fugro-Geoteam:** \_\_\_\_\_

If an amount was found, what reasonable royalty rate did you apply? \_\_\_\_\_

For the Jury:

By: \_\_\_\_\_  
Foreperson

Date: \_\_\_\_\_